

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4974

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NADER ZAKI ABDELHAY,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Jerome B. Friedman, District Judge. (CR-03-89)

Submitted: May 26, 2004

Decided: August 11, 2004

Before LUTTIG, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

James O. Broccoletti, ZOBY & BROCCOLETTI, P.C., Norfolk, Virginia, for Appellant. Paul J. McNulty, United States Attorney, Michael C. Moore, Assistant United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Following a bench trial, Nader Zaki Abdelhay was convicted of being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g) (2000), and making materially false statements to a federal agent, in violation of 18 U.S.C. § 1001(a)(2) (2000). The district court sentenced Abdelhay to concurrent sentences of forty-one months of imprisonment on each count, to be followed by a three-year term of supervised release.

On appeal, Abdelhay maintains that the evidence at trial was insufficient to find him guilty of being a felon in possession of a firearm and ammunition. Abdelhay stipulated at trial that he had been convicted of a felony and that the firearm and ammunition in question had traveled in interstate commerce. In addition, there was evidence establishing that Abdelhay exercised dominion and control over the firearms and ammunition found at his place of employment. Therefore, we conclude that there was sufficient evidence at trial to find Abdelhay guilty of being a felon in possession of a firearm and ammunition. See Glasser v. United States, 315 U.S. 60, 80 (1942).

Accordingly, we affirm Abdelhay's § 922(g) conviction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED